

2:15 meeting that  
Kaiser claimed NO  
NOTES were taken  
-- Komaterdity  
claimed NOTES  
may have been  
taken BEFORE the  
meeting during  
Rebuttal  
Summation!?!? --  
Tr.5992:lines 8-10

Scott R  
Matt G - FBD  
John Kaiser  
(c)  
(d)

Oct. 19, 2010

11AM

2002

on vacation - Hawaii - after 8/11/01 = Main Island

- saw property = cheap w/ Chris Martucci

\$700k purchase price

= \$10K down payment

= (JK) - trying to raise \$

= had properties in NY to sell

= couple homes -

(JK)'s part of

(JK) had friend = James Milano - lives on Long Island

Phil Kenner ~~AK~~ knew

introd to (JK)

(JK) had hockey clients/investors to start purchasing  
property in Hawaii

starting  
closing

2005 (JK) closed on some more parcels

= 1,000 acres total = kept adding/buying more adjacent  
properties

= Lehman - comes in

(JK) Windwalker - developer  
Scot Lehman brought in

(JK) investment = \$1.1M - (JK)

investment  
amt

family members ~~JK~~ ~~AK~~

(JK)

\$1.2M = sold house in NY

took \$1.1M to pay family off

(1)

≡ Masood Bhatti - Lehman Bros.

- got a piece of Hawaii deal

260 acres - 1st piece of Hawaii investment

just kept buying/ expanding ~~to~~ 6,000 acres total

≡ Alan Warden = Windwalker = Accountant/contact

(P) met Tandy = 2x in NYC

(P)  
times

in NYC = Trust (2993) = Tandy restaurant

discuss:

// = discuss project in Hawaii

there  
@  
P

(P)

(K) - with a girl

// = funding in Mexico

(P)  
time

another time @ a bar = in NYC = bar

- discussed Hawaii

- lending \$ from Hawaii to Mexico

(K)

(JK)

(P) - not sure how (K) + (P) met

(P)

= San (P) in Mexico couple times

again  
discussed

(P) wanted to borrow \$ from Hawaii to Mexico  
would pay back after closing

(2)

~~KJ~~ brought up borrowing \$ from Hawaii project  
borrowed millions from Hawaii project  
- it was going to be \$100k not millions  
- ~~KJ~~ not happy \$ went started  
to grow to millions of \$  
to Mexico  
2004 Hawaii loan agreement

discussed  
= Brian Beard  
= ~~PK~~

= was agreement to borrow \$ from Hawaii

~~KJ~~ → ~~JK~~  
- in NYC  
discussed \$ from Hawaii to Mexico  
- just to be used for Mexico  
↓ no other project

Question to ~~JK~~:

2004 update Letter on Hawaii project -

- ~~JK~~ - yes, I recall letter

- ~~PK~~ - made these many times

Many update letters from Kenner to the investors per Kaiser proffer...

~~JK~~ - never got it back from ~~KJ~~ / Mexico

Kaiser does NOT say that this is money that he was unaware of at the time of the loans -- notwithstanding the fact that Kaiser would still (according to his EDNY testimony) have been missing millions from the CA closing almost 2 years prior and Hawaii 4 years prior -- if actually TRUE!

(3)

Eufora

2007  $\circledcirc$  (JK) met Tommy Constantine in AZ @ (PK)'s house

(TC) = introd as self made millionaire to (JK)

(JK) = heard about Eufora thru players / guys that  
Eufora - company will be big one day

in beginning  $\circledcirc$   $\approx$  ~~and couple hundred thousand~~ @ East

(JK)  $\circledcirc$   $\$2.2M$  - over 3 yr period invested

(GA)  $\circledcirc$  borrowed from family - majority of \$  
- Mother  
- brothers - Keith

(JP)  $\circledcirc$  includes (JK)'s friends \$ -  
- (JK) got 4 friends to invest

Danny Rae  $\rightarrow$  ex-hockey player - lives in AZ  
- bringing investors in Hawaii

(JK)  $\circledcirc$  met (DR) - 1 yr ago = heard of him prior  
- when put house for sale in AZ - (JK)'s house  
- Brian Berard + (JK) own - 2 yrs ago bought  
- (JK) - raised \$ from friends to buy house in AZ

(4)

- Tim Gaarn - used to work in banking industry
  - 1st intro to Lehman from (TG)
  - not invested in Hawaii

✓ = (TG) - trying to ~~fund~~ <sup>fund</sup> it for Hawaii w/ own funds  
- suffice to use own \$ to fund Hawaii

Ultimately ~~\$~~ came from friend of (TG)  
(\$84M - Waikapuna closing)

Kaiser confirms consulting deals for Gaudet and Gaarn from Hawaii

Robert Gaudet

(TG) met (RG) -  
= golf pro  
= knows people in Mexico

tried to get \$ for Hawaii

believe above indiv. getting paid for getting \$

= (RG)  
= (TG)

RG -- Robert Gaudet and  
TG -- Tim Gaarn

1st heard  
2005 = heard of Enfona from (TG) & players

(TG) showed (TG) agreements w/ banks & credit card companies  
= wanted increase ownership in Enfona - (TG)'s own shares in  
= appeared to be great company -> (TG)

and Mark Ambrosio  
= Fish Zero =  $\textcircled{T}\textcircled{C}$  running \$ from Europa  
Taser = accounts to these investments  
Sergei Gonchar & going to

all  $\textcircled{JK}$  investment \$ to  $\textcircled{TC}$  went from  
 $\textcircled{JK}$  = TD Bank accts

$\textcircled{TC}$  - rec'd couple hundred thousand back  
from  $\textcircled{PK}$

$\textcircled{PK}$  from granted it for renovation  $\textcircled{PK}$   
house in AZ

$\textcircled{PK}$  -  $\textcircled{JK}$  gave  $\textcircled{PK}$  \$ from his house sale in  
Smithtown, NY  
-  $\textcircled{PK}$  never repaid  
needed it  
for Myrick  
lawsuit

\$500,000 of these funds were immediately transferred to Kenner by Kaiser for the documented Kaiser (individual) purchase of land from Kenner in Mexico (los Frailes) -- also unknown to Kenner, Kaiser's friends and family -- See PK19 and PK50

= (PK) - living in Vegas - Condo

- house in AZ is wife's from divorce

(JK) = Palms Condos

Kaiser took money from his handicapped brother, his DEA friend Bobby Rizzi, and his doctor friend Sconzo (whom he later robbed for another \$200,000 admitted by the Gov't in their forfeiture brief)...

(TC) - new M/suite in Vegas

2007  
or  
2008

→ invested - (TC) friends / 3  
① Keith Kaiser - brother

② Bobby = police officer  
③ and doctor friend of (PK)

\$550k together  
for penthouse  
@ Palms

= Jay McKeo

= Mike Peca

get 15%  
from \$  
- promised by (TC)

= closing went through (TC)

went into it  
to buy & sell  
quickly

(PK) - was not involved in Palms R/E  
- as far as (PK) remembers

AK

Global Settlement Fund - set up by (TC) = w/ (TC)

- pay Ethan Murray back - from films  
- Eurofa -  
- Mexico -

Clearly -- no closing "with  
Kaiser" EVER occurred...

→ used to straighten & investment mess which  
happened throughout years.

infor  
Palms

= (TC) instructed Ronald Richard to send \$ to Eurofa  
acct so he can distribute to players = EG\$ Fund \$

(TC) instructed (JK) friends = investment \$ - to go to  
Ronald Richard & not Eurofa

(J) involved w/ → renovated - (J) & brothers did work  
= Hermosa Beach - house - (P) - owned then sold  
- (P) - owes \$ from house construction / renovation  
- (J) - brothers worked on house = took 4 months

(J) - raised funds to buy house from:  
= (J) - mother  
- brothers  
- friends

(J) - not paid \$ from (P) on house yet  
(P) - will get \$ from Hermosa Beach house when  
AZ house sells  
= on market now

(J) met (N) in Hawaii

Nick James -  
did stuff for flag racing & (T)

(N) called (T) to get married  
\$ 20k-80k - asked \$ from (P) = (P) said no  
borrowed from (P)

(N) did not work or invest in Hermosa Beach house

(S)

Los Frailles - investment

- JK + has friends invested in

~2008

~\$1M

JK included in the \$1M

purchase property + develop

\$1M used to purchase property  $\rightarrow$  sell parcels to  
get \$ back from 1<sup>st</sup> investment

$\rightarrow$  Bobby Gaudet - told JK about investment

JK - not involved in Los Frailles

does have clients involved / hockey players

JK - went down there w/ friends to see

JK - 6 mos. ago in Cabo  $\equiv$  Joudy project

$\equiv$  golf course - done

$\equiv$  surprise to find up land

never went to North property

DDM

9

654-6M - (KJ) borrowed recid (loaned  
borrowed from Hawaii project to Mexico

(KJ) borrowed from Glen Murray too for Mexico

(KJ) might have repaid couple hundred thousand to Hawaii

(JE) - did see Hawaii bank acct statements

- accountant for Hawaii project  
(KJ) not recid K-1's ever  
(KJ) will get name  
of accountant  
before Lehman com  
in.

(KJ) never recid K-1's from Hawaii

took two yrs to get from Allan Warden

will receive  
K-1's soon

Kaiser confirms  
seeing all of the  
Hawaii bank  
statements -- so  
there could be no  
questions where  
the \$1mm from his  
friends and family  
went after deposits  
in the NEW KAU  
HOLDINGS  
ACCOUNT -- See  
PK26

Agent wrote END  
TIME -- even though  
Kaiser disputes  
seeing agents taking  
notes during a 2  
hour and 15 minute  
meeting at Kaiser's  
home during EDNY  
testimony... **Tr.1120-  
1122**

END  
1122

(D)